

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BENJAMIN KARL RAY BUNTON,

Plaintiff,

v.

CITY OF MENDOTA POLICE CHIEF, et al.,

Defendants.

Case No. 1:23-cv-00211-SAB

ORDER DENYING APPLICATION TO
PROCEED IN FORMA PAUPERIS
WITHOUT PREJUDICE AND REQUIRING
PLAINTIFF TO FILE AN AMENDED
APPLICATION WITHIN THIRTY DAYS

(ECF No. 2)

Plaintiff Benjamin Karl Ray Bunton (“Plaintiff”), currently incarcerated at the Montana State Prison in Deer Lodge, Montana and proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983. (ECF No. 1.) Along with the complaint, Plaintiff filed an application to proceed without prepayment of fees in this action. (ECF No. 2.) However, Plaintiff’s application is not properly completed. Plaintiff provides a single-page of his prisoner trust account statement from Montana State Prison for the month of January 2023, rather than a statement showing the past six months of trust account activity; furthermore, Plaintiff’s attached inmate account document contains no certification from a prison official, as required. Therefore, the Court is unable to determine if Plaintiff is entitled to proceed without prepayment of fees in this action as the application is not complete.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff’s application to proceed in forma pauperis (ECF No. 2) is DENIED

without prejudice;

2. Within **thirty (30) days** from the date of service of this order, Plaintiff shall file an application to proceed *in forma pauperis* which includes a certified copy of his trust account statement showing transactions for the past six months; and
3. Failure to file a complete application to proceed *in forma pauperis* in compliance with this order will result in the recommendation that this action be dismissed.

IT IS SO ORDERED.

Dated: **February 14, 2023**



UNITED STATES MAGISTRATE JUDGE